

Memorandum **DRAFT**

From: Weare Town Center Committee  
Paul Doscher, Co-chair  
Ian McSweeney, Co-chair

To: Planning Board

RE: recommended revisions to the Village District section of the zoning ordinance

Date: October 19, 2007

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The Weare Town Center Committee (now a subcommittee of the Planning Board) has met numerous times over the past three years to discuss the future of the Town Center. Among the topics has been the current zoning ordinance and how it might be amended to encourage the kind of uses, improvements and enhancements in the Town Center that would achieve the vision of the Committee.

The Vision for the Town Center agreed to by the Advisory Group is:

***We envision an invigorated Weare Town Center that will become a daily center of town life for the citizens of Weare. It will meet their needs by providing improved town offices, a Community Center for social and recreational programs and activities, ball fields, and a village green as a gathering place for community activities.***

***The Center will cherish its history through the preservation and continued use of the Town Hall, Library, Stone Building, Old High School, and other historic buildings both privately and publicly owned.***

***It will have new buildings and facilities that are in keeping with the historic character and scale of the Center. New uses could include small scale retail, office and service businesses, designed in a way to enhance the safe, small, New England village quality of the Center.***

The vision statement was created from a list of consensus items agreed to by the group in the fall of 2004 and a list of items that needed further discussion:

Consensus uses for the Town Center:

Town office facility  
Multipurpose Community Center – youth/senior/civic  
Village Green – including park and gazebo  
Athletic Fields  
Better traffic control  
Safer walkways

Adequate (aesthetically pleasing) parking areas  
Library  
Senior Housing

Items for further discussion included:

Public toilets  
Small scale retail  
Restaurant  
Office space

The following proposed amendments to the zoning ordinance (in red) resulted from a public meeting with residents of the Town Center and three meetings of the committee, and are recommended to the Planning Board for its consideration. The Committee made no recommendations at this time for changes in the boundaries of the Weare Center district.

22.4. Permitted Uses:

22.4.1 Single Family dwellings and multifamily housing where it is contained within existing structures or in a new structure where the number of dwelling units does not exceed two (2). New dwelling units of three (3) or more per building (multi-family) will require a special exception.

22.4.2 Light commercial uses such as those listed in Article 24.3.5, except laundromats and dry cleaning facilities. Also permitted are offices, churches, schools, and the office meeting halls and facilities of non-profit institutions. Within the Weare Center Village District the maximum footprint of new commercial structures (structures not already existing within the Weare Center Village District) shall be 3,000 square feet.

22.4.3. Mixed use of structures (for commercial and residential use) shall be permitted in the Weare Center Village District.

22.5.1 AREA REQUIREMENTS: The minimum lot size as set forth by the State of New Hampshire Water Supply and Pollution Control Division or other applicable regulatory agency, plus 10,000 square feet; otherwise by Special Exception.

22.5.2 HEIGHT LIMITATIONS. In the Weare Center Village District, no new structure shall exceed two and one half stories, with a maximum building height of 30 feet, as measured from the average grade.

22.5.3. FRONTAGE REQUIREMENTS: In the Weare Center Village District, all proposed new lots shall have frontage on a town street or state highway sufficient to provide access for emergency services and public safety. Road frontage shall be

consistent with other properties in the Weare Center Village District, but not less than 50 feet, otherwise by special exception.

## 22.6. YARD REQUIREMENTS

22.6.1. FRONT SETBACKS. Each structure shall be set back at least 25 feet from the front lot line, but not less than the setback of any existing building within two hundred feet of the lot, otherwise by special exception. In the Weare Center Village District, no building shall be closer to the street than any building on property abutting it on either side, and no farther from the street than the buildings on abutting properties on either side. However, a special exception may be granted if such exception is consistent with the unique character of the Weare Center Village District.

22.6.2 Each structure shall be set back at least twenty (20) feet from the side and rear lot lines, except by Special Exception.

22.6.3 All non-residential uses shall provide adequate off-street parking. No parking is permitted within the front setback area or within five (5) feet of the property sideline. In the Weare Center Village District, this parking requirement may be waived by the Planning Board if the applicant can demonstrate that there is adequate off-site parking available within 500 feet and that the property itself cannot support the required spaces without compromising the character of the Village District. If a waiver is granted the applicant shall make a one time payment to the Town to be placed in Weare Village District Parking Fund to offset the cost of constructing future municipal parking facilities in the Weare Center Village District. Such payment shall be based on the estimated cost of construction of the number of parking spaces what would otherwise have been required on the applicant's property.

The Weare Village District Parking Fund is adopted pursuant to the provisions of RSA 31:95-c to restrict 100% of revenues from Weare Center Village District parking waivers under section 22.6.3 of the zoning ordinance to expenditures for the purpose of designing and constructing public parking facilities in the Weare Center Village District. Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Weare Village District Parking Fund, separate from the general fund. Any surplus in said Fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the Fund or source of revenue.

## 22.7 SIGNS:

*(The committee understands that the Planning Board intends to consolidate and rewrite the various sign requirements in the zoning ordinance. We hope to review this*

*work before it is finalized, but also suggest that the following additional requirements be placed on signs in the Village District:*

**For signs in the Weare Center Village District the following provisions shall apply:**

**Signs shall be designed to the extent reasonably practicable to be consistent with the style and color of certain existing signs in the District. (See attached photographs of the Town Hall, Historic Society, Weare Animal Hospital and Center Woods School). Further, no sign shall exceed six (6) square feet. All freestanding signs may be two sided but shall be low to the ground (no portion exceeding 5 feet above grade). No sign shall include “message boards” for electronic or non-electronic letters, numbers, images, or characters.. No part of any sign attached to a buildings may be higher than 10 feet above grade.**

**22.9 ARCHITECTURAL DESIGN OF BUILDINGS:** To the extent reasonably practicable, structures built before 1930 shall be preserved and changes of use permitted in preference over the demolition of such structures and their replacement with new structures. When new structures are proposed the Planning Board shall require architectural review by the Board to provide that new structures are compatible with the character, design, materials, size, configuration and color of the existing structures in the Village District.

~~Compatible Architectural Styles—The exterior of all new homes and commercial buildings within the Designated Village Districts shall be architecturally compatible with the historic building details of those districts.~~ It is the responsibility of the property owner or their representative to demonstrate to the Planning Board , using Architectural drawings , photos, etc. **to demonstrate how** this will be accomplished. Sides of structures, not directly visible from public roads will be allowed some leniency of these details or style, to be determined by the Planning Board on a case by case basis.

***New Proposal:***

***The Committee also suggested that the Planning Board consider creating a special “Senior Housing Overlay District” at Weare Center. This proposal would create an area defined as being “within 3/8 mile of the intersection of Route 114, Center Street and Flanders Memorial Drive” in which senior housing projects would be allowed by special exception. It is suggested that in this overlay, any property a portion of which lies within 1/4 mile of the intersection would qualify for this special exception, even if the majority of the property lies outside the 1/4 mile radius.***

***The rational for the 3/8 mile radius is so that a Senior Housing project would be within walking distance of community and commercial facilities and services located within Weare Center .***

*Further, we recommend that the special overlay district provide for one project of up to 25 units of Senior Housing.*

*The intent is to allow the Planning Board and town to encourage the creation of a senior housing project near the center, without at this time specifically rezoning any of the adjoining R or RA areas to be part of the Village District. We welcome your thoughts on this idea and provide the following draft language for your consideration:*

### ***WEARE CENTER SENIOR HOUSING OVERLAY DISTRICT***

***PURPOSE:*** *The purpose of this overlay district is to encourage the development of senior housing within the area including and immediately surrounding the Weare Center Village District, consistent with the goals of the Master Plan. It is recognized that the creation of senior housing in Weare Center, in proximity to existing municipal facilities and services is a desirable addition to Weare Center, because it would meet a currently unmet need for senior housing in Weare, provide for a more active and vital village center, promote energy efficiency by encouraging pedestrian transportation and contribute to the village character of the district.*

*Senior Housing projects are defined as age restricted housing for citizens older than 55 years of age.*

*Within the Weare Center Senior Housing Overlay District, one or more senior housing projects with a total number of dwelling units not to exceed 25, shall be allowed by special exception. Should Any senior housing project deemed qualified under this provision be located in whole or in part outside the existing Weare Center Village District, then that project shall be governed by the zoning requirements of the Weare Center Village District rather than those of any other zoning district*

*The Weare Center Senior Housing Overlay District is defined as all properties located within 3/8 mile radius of the center of the intersection of NH Route 114, East Street and Flanders Memorial Drive. Should a property be partially located within the Weare Center Senior Housing Overlay District, the entire property may be deemed part of the Weare Center Senior Housing Overlay District also by special exception.*